

REMARKS

The Office Action dated July 14, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 7-11 and 13-18 are pending in the application. Claims 8 and 10 have been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter is added. Applicant submits the pending claims for consideration in view of the following.

Constructive Election

On page 3, the Office Action indicated that newly added claims 13-18 were constructively elected by the original presentation for prosecution on the merits. Applicant traverses this constructive election allegation because claims 7-11 and 13-18 are not distinct inventions under 37 C.F.R. 1.145. For example, claims 7-11 are directed to a mirror-surface disk for a mold for molding a disk, while claims 13-18 are directed to a mold that comprises the mirror-surface disk of claim 7. Accordingly, both claims 7-11 and 13-18 recite a mirror-surface disk and a mold, where the mirror-surface disk for each claim set comprises the same limitations. Therefore, the constructive election alleged is improper because claims 7-11 and 13-18 do not recite different inventions under 37 CFR 1.145. As indicated above, claim 13 has been amended to expressly introduce limitations of the mirror-surface disk of claim 7.

Information Disclosure Statement

The Office Action stated that the listing of references, such as Japanese Patent Publication No. JP 2002-222545, in the specification fails to comply with the provisions of 37 C.F.R. § 1.98(b) because it is not a proper Information Disclosure Statement. In response to this, Applicant has filed an IDS with the following document cited in the specification: Japanese Patent Publication No. JP 2002-222545.

§112 Rejection

The Office Action rejected claims 8-11 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action alleged that it is not clear what is meant by “the front end surface” because no antecedent basis is provided. In response to this rejection, claim 8 has been amended to replace “the front end surface” with “a front and surface.” Withdrawal of this rejection is therefore respectfully requested.

§102(b) Rejection

The Office Action rejected claims 7-9 under 35 U.S.C. §102(b) as allegedly anticipated by Inoue (Japanese Patent Publication No. JP 2001-150488) (“Inoue”). The Office Action alleged that Inoue discloses or suggests every claim feature recited in

claims 7-9. Applicant respectfully asserts that Inoue fails to disclose or suggest all the limitations of claims 7-9.

Inoue discloses that an inside end of a stamper is fitted to a ring-shaped projection part. The ring-shaped projection part is formed in the outside end of a cavity side of an insider holder. Using a ring-shaped clearance, the stamper is vacuum-sucked in an area inside an uneven surface to increase the force for fitting the stamper into a mold.

However, Inoue does not disclose or suggest, at least, “a first region provided to extend radially outward from an outer circumferential edge of the through hole projects from a second region provided to extend radially outward from the first region so as to form a step between the first and second regions,” as recited in claim 7.

The Office Action takes the position that the foregoing features are disclosed in Figure 7. However, Figure 7 merely depicts a stamper 3, a cavity 13, a stamper inside holder 4, and a ring-shaped clearance 20. Accordingly, Inoue fails to disclose or suggest, at least, “a first region provided to extend radially outward from an outer circumferential edge of the through hole projects from a second region provided to extend radially outward from the first region so as to form a step between the first and second regions,” as recited in claims 7.

Accordingly, Inoue fails to disclose or suggest all the limitations of claim 7. Therefore, Applicant respectfully requests that the rejection of claim 7 be withdrawn. Additionally, Applicant respectfully requests that the rejection of claims 8-9 be

withdrawn for their dependency from claim 7 and for the patentable subject recited therein. Applicant also asserts the patentability of claims 13-18 on similar grounds.

Furthermore, the Office Action failed to make a *prima facie* case for anticipation under §102(b) for relying solely on the Abstract of an application written in a foreign language. MPEP 706.02-II indicates that, “To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection.” In the instant case, only the Abstract of Inoue is in English. As such, the §102(b) rejection of claims 7-9 is in violation of MPEP 706.02-II. Therefore, the pending rejection should be withdrawn because the Office Action failed to make a *prima facie* rejection under §102(b), in addition to the deficiencies of Inoue discussed above.

The Office Action rejected claims 7-11 under 35 U.S.C. §102(b) as allegedly anticipated by Asai (U.S. Patent No. 5,460,763) (“Asai”). The Office Action alleged that Asai discloses or suggests every claim feature recited in claims 7-11. Applicant respectfully asserts that Asai fails to disclose or suggest all the limitations of claims 7-11.

Asai discloses a sprueless disc mold. In Asai, a sprueless disc mold includes a gate insert, a hot plunger that comes into sliding contact with the gate insert. At a protruding position of the hot plunger, an annular recess of the gate insert and the

chamfered portion of the hot plunger are made to come into contact with each other to form a recess for forming a stack rib.

However, Asai does not disclose or suggest, at least, “a first region provided to extend radially outward from an outer circumferential edge of the through hole projects from a second region provided to extend radially outward from the first region so as to form a step between the first and second regions,” as recited in claims 7.

Instead, Asai discloses a mold that includes a stationary molding member, a movable molding member, and a cavity for molding a disc is formed between the mating faces of the two members. The mold is configured to use a drive source to control the opening and closing of gate. The gate is formed in a gap between an opening edge of a gate insert and a corner portion of a shoulder portion of a hot plunger cap.

Additionally, a gate insert has a leading end face for forming a cavity face. Asai also discloses that a leading end face is formed in an inner circumferential edge with an annular recess for forming a crest face and outer slopes to form a stack rib of the disc. Furthermore, Asai discloses a cavity formed between a mirror plate of a stationary molding member and a stamper mounted on a mirror plate of a movable molding member, where a molten resin is injected from a nozzle of an injector through a sprue hole. However, Asai does not disclose or suggest, at least, “a first region provided to extend radially outward from an outer circumferential edge of the through hole projects from a second region provided to extend radially outward from the first region so as to

form a step between the first and second regions,” as recited in claims 7. Therefore, Asai fails to disclose or suggest all the limitations of claim 7.

Therefore, Applicant respectfully requests that the rejection of claim 7 be withdrawn. Additionally, Applicant respectfully requests that the rejection of claims 8-11 be withdrawn for their dependency from claim 7 and for the patentable subject recited therein. Applicant also asserts the patentability of claims 13-18 on similar grounds.

§103(a) Rejection

The Office Action rejected claims 10 and 11 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over Inoue. As indicated above with respect to the rejection of claims 7-9 based on Inoue, Applicant traverses this rejection on the grounds that Inoue fails to disclose or suggest all the limitations of claims 10-11 and on the grounds that the Office Action failed to make a *prima facie* case for obviousness for relying solely on the Abstract of reference written in a language other than English. Withdrawal of this rejection is therefore respectfully requested.

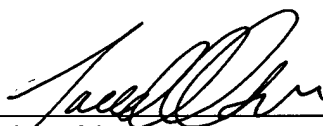
Conclusion

In light of the above, Applicant respectfully requests that the pending rejections be withdrawn and that the pending claim promptly pass to allowance. If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants’

undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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